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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,408	04/24/2001	Nick Merz	APL1P202/P2625	9091

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EXAMINER

LEA EDMONDS, LISA S

ART UNIT PAPER NUMBER

2835

DATE MAILED: 11/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/842,408

Applicant(s)

MERZ ET AL.

Examiner

Lisa Lea-Edmonds

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) 1-24 and 37-59 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-36 is/are rejected.
- 7) ☒ Claim(s) 25-36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-11, drawn to computing device with LCD shock mount, classified in class 361, subclass 681.
  - II. Claims 12-24, drawn to portable computer with optical drive and shock mount, classified in class 361, subclass 685.
  - III. Claims 25-36, drawn to a portable computer with optical drive, classified in class 361, subclass 683.
  - IV. Claims 37-59, drawn to portable computer with cooling, classified in class 361, subclass 687.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I, II, III and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the invention I is different from inventions II, III, and IV in that invention I does not require an optical drive nor cooling and is therefore classified differently therefrom; invention II is different from inventions I, III, and IV in that invention II does not require LCD shock mounting nor cooling and is therefore classified differently therefrom; invention III is different from inventions I, II, and IV in that invention III does not require an shock mounting of any device nor cooling and is therefore classified differently therefrom; invention IV is different from inventions I, II, and III in that invention IV does not require shock mounting nor an optical drive and is therefore classified differently therefrom.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Mr. Quin C. Hoellwarth on 10/28/02 a provisional election was made without traverse to prosecute the invention of III, claims 25-36. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-24 and 37-59 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

#### ***Information Disclosure Statement***

6. The information disclosure statement filed 12/07/01 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, and only the U.S. patents referred to therein has been considered.

#### ***Drawings***

7. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the frame component including a bottom plate and a top plate must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

8. The disclosure is objected to because of the following informalities: applicant references other U.S. Patent applications by title, attorney docket number, and filing date, however, the application numbers are missing. Applicant must provide the missing application numbers.

Appropriate correction is required.

***Claim Objections***

9. Claims 30-60 are objected to because of the following informalities: applicant skipped claim number 29 and therefore misnumbered claims 30-60. Claims 30-60 have been renumbered claims 29-59 accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution.

Appropriate correction is required.

10. Claims 25-36 are objected to because of the following informalities: applicant uses both spellings for disc and disk in different claims. Applicant should only use one spelling either "disk" or "disc". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

11. Claim 30 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant's specification lacks a description of the frame component including a bottom plate and a top plate, the top plate being attached to the bottom plate via a plurality of structural arms extending there between, the bottom plate being configured to support the drive components,

and the top plate being configured in part to block laser light from emitting from the enclosureless optical disc drive.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 25-28, and 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima in view of Forlenza et al.. With respect to claims 25-28 and 32-36, the apparatus of Nakajima teaches a portable computer (1) comprising a base (2) having casing (4, 5, 6) and a chassis (70) wherein the casing (4, 5, 6) is configured to house various components that provide computing operations for the portable computer (1) and the chassis (70) includes a plurality of ribs (74a, 74b, 75, 76) wherein at least one of the ribs (74a, 74b, 75, 76) forms a wall of the enclosed region and is configured to support the casing (4, 5, 6), the casing (4,5,6) and chassis (70) has interior portions that define an enclosed region inside the base (2); and a disk drive (50) as claimed (see for example figures 1-47 with focus on figures 11-19 and column 6 line 39 through column 30 line 25). However, the apparatus of Nakajima lacks a clear teaching of an enclosureless optical disc drive as claimed. The apparatus of Forlenza et al. is relied upon for its teaching of an enclosureless optical disc drive (88) having drive components and frame components configured to support the drive components, as claimed (see for example figure 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Forlenza et al. into the apparatus of Nakajima as providing a user with the most up-to-date disk drive system is mere routine in the art and would be

considered a design choice. The apparatus of Nakajima as modified by Forlenza et al. teaches the casing (4, 5, 6) and chassis (70) include a top wall for enclosing a top portion of the enclosureless optical disc drive (88), a bottom wall for enclosing a bottom portion of the enclosureless optical disc drive (88), a front wall for enclosing a front portion of the enclosureless optical disc drive (88), a first side wall for enclosing a first side portion of the enclosureless optical disc drive (88), a second side wall for enclosing a second side portion of the enclosureless optical disc drive (88), and a back wall for enclosing a back portion of the enclosureless optical disc drive (88); wherein the internal portions of the casing (4, 5, 6) and chassis (70) that form the enclosed region are configured to shield electronic emissions therein; wherein the chassis (70) is disposed within the portable computer enclosure; wherein the enclosed region shields the enclosureless optical disc drive from dust; wherein the enclosed region shields laser emissions; and wherein the optical disk drive is a CD/DVD drive as claimed. With respect to claim 36, it would have been obvious to one skilled in the art to select a slot loaded CD/DVD drive as the apparatus of Nakajima has a slot (54) for loading a disk therein. One skilled in the art would not be motivated to destroy the slot structure of Nakajima to provide the portable computer (1) with a tray loaded CD/DVD drive.

14. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima as modified by Forlenza et al. as applied to the claims above, and further in view of Chee et al.. With respect to claim 29, the apparatus of Nakajima as modified by Forlenza et al. teaches the claimed invention as set forth above. However, Nakajima as modified by Forlenza et al. lacks a clear teaching of a thin flexible boot as claimed. The apparatus of Chee et al. is relied upon for its teaching of a thin flexible boot (300) as claimed (see for example figures 3, 4, and 8-15). It would have been obvious to one having ordinary skill in the art to incorporate the teachings of

Chee et al. into the apparatus of Nakajima as modified by Forlenza et al. to provide the disk drive with shock absorbers.

**Conclusion**

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please note the portable computers of Pao, Hart, Flannery et al., Shibasaki, Shen et al., and Ramonowski.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Lea-Edmonds whose telephone number is 703-305-0265. The examiner can normally be reached on 6:30 am to 3:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 703-308-4815. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3431 for regular communications and 703-305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1782.

Lisa Lea-Edmonds  
Examiner  
Art Unit 2835

*LL-E*

November 5, 2002

  
DARREN SCHUBERG  
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